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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,987	11/29/2000	Tadao Yoshida	450100-02886	1330

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EXAMINER	
RAMAN, USHA	

ART UNIT	PAPER NUMBER
2424	

MAIL DATE	DELIVERY MODE
03/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/725,987	YOSHIDA ET AL.	
	Examiner	Art Unit	
	USHA RAMAN	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26,27,29,30 and 32-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26,27,29,30 and 32-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 26, 29, 32, 34, and 36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 26-27, 29-30, 32-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (US Pat. 6,163,316) in view of Hassel (US Pat. 2004/0128685) and Allport (US Pat. 6,097,441).

With regards to claims 26, 29, 32, and 34, Killian discloses a receiver comprising:

A receiving means (10) for receiving digital content and attributive information (see column 3 lines 59-67, column 4 lines 1-7);

Selecting means for comparing a first selective information with the attributive information (see column 2 lines 19-22 and column 17 lines 29-35)

A filtering means for filtering the attributive information on the basis of the first selective information to select the digital content (see column 10 lines 60-67, column 15 lines 5-12); and

Recording means for recording on the receiver digital content selected on the basis of the first selective information (column 15 lines 5-12).

Killian does not discloses the system further comprising a remote controller means for remotely controlling the receiving means, the remote controller means having a display unit and a removable recording medium; a removable recording medium control means for recording at least one of the selected digital content on the removable recording medium, wherein the selected digital content recorded on the removable recording medium is reproducible on the display unit of the remote controller means.

Hassel discloses a method of recording programs on a removable storage medium [0019] [0020]. Hassel accordingly discloses a removable recording medium control means for recording at least one selected digital content on the removable recording medium.

Allport discloses a remote controller means for remotely controlling the receiving means (col. 10 lines 35-42), the remote controller means having a display unit and enough memory or access to a storage device so that user can browse audio/video or other recordings and select them for playing back on the remote control device (col. 5 lines 17-22). Accordingly Allport discloses wherein the selected digital content stored on the recording medium is reproducible on the display unit of the remote controller means. While Allport is silent on the remote controller comprising a “removable recording medium”, Allport discloses that either a remote control may have "enough” memory or access to a storage device to browse

through its recordings. It would have been obvious to one of ordinary skill in the art to combine the teachings of Allport to provide a removable storage device at the remote control, so that removable recording medium maybe directly inserted in the remote controller for selection and playback of its contents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Killian in view of Hassel and Allport by recording programs on a removable storage medium and reproducing the stored contents for playback on a portable remote controller thereby providing user portable television functionality.

With regards to claims 27, 30, 33 and 35, the system as modified in view of Hassel further comprises removable recordable medium means (see [0008]) configured to store address information (volume names, etc. for identifying location of media, see [0085]-[0086]) of broadcast digital content and client identification (user information stored in user fields, see [0045]).

With regards to claim 36, the modified system discloses the step of a user storing programs to digital storage device (see Hassel: [0084]) and providing to playback of contents at the storage device at a remote controller (Allport: col. 5 lines 16-22). The modified system further discloses the step of automatically without receiving user intervention and playing user media (once the storage medium is loaded) based on address information of digital content and client identification stored on the address information of digital content (Hassel: [0089]). While the modified system is silent on the step of providing the removable recording medium

to a second remote controller associated with a second receiver, and automatically playing the content at the second receiver. Examiner takes Official Notice that it is well known to use removable recording medium at secondary devices that are capable of reading the removable recording medium, so that contents of the recording medium maybe viewed at the second receiver. As such it would have been obvious to provide a second remote controller associated with a second receiver that can render contents stored on the removable recording medium for playback at to a user of the second remote controller associated with a second receiver.

With regards to claim 38, the modified system further discloses wherein the parameter of the first selective information is set to exclude programs from being recorded and reproduced. See Killian: column 14 lines 42-55 and column 16 lines 55-57.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (US Pat. 6,163,316) in view of Hassel (US Pat. 2004/0128685) and Allport (US Pat. 6,097,441) and further in view of Herz (5,758,257)

With regards to claim 37, Killian is silent on the step of analyzing user's tasted based on a reproduced program and changing weighting of a value of a parameter of the first selective information based on the analysis of user's taste thereby changing the filter configured to filter the attributive information to select the digital content. In a related art of suggesting programs, Herz discloses a method of analyzing suggested programs that a user has watched or not watched in order to

adjust weights associated with the customer profile. See column 25 lines 45-48, column 26 lines 63-column 27 line 2. It would have been obvious to one of ordinary skill in the art to further modify the system in view of Herz's teachings by adjusting user profiles based on programs so that suggestion algorithms can be updated by monitoring suggested programs were watched. It is further noted that Killian discloses the plurality of profiles can comprise combined profile.

5. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (US Pat. 6,163,316) in view of Hassel (US Pat. 2004/0128685) and Allport (US Pat. 6,097,441)and further in view of Zigmond et al. (6,698,020)

With regards to claim 39, while Killian discloses displaying commercials during commercial breaks, Killian is silent on the step of selecting commercial information based on the first selective information and storing the commercial in a dedicated area of the recording medium.

Zigmond discloses the step of storing commercials that match a user profile (see column 19 lines 55-61).

It would have been obvious to one of ordinary skill in the art to further modify the system in view of Zigmond teachings by recording advertisements that match the viewer profile (first selective information) so that the system can display targeted advertisements during commercial breaks.

With regards to claim 40, the stored commercial in the modified system is reproduced within a predetermined time frame (upon detecting triggering event, see Zigmond: column 20 lines 4-7).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Tue-Fri: 8am-6:30pm.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2424

/Usha Raman/